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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,822	06/07/2000	Tatsuya Kubota	450108-4457.1	9634
20999	7590	03/29/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/589,822	KUBOTA ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Amendment filed on 3/15/06.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 8-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 8-11 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

HANH NGUYEN
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/7/00.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Drawings

The drawings are objected to because the word "praivate" in fig.5 should be corrected as "private" due to misspelling.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over Adams (US Pat. 6,044,396) in view of Rao (US Pat. 5,506,844).

In claim 8, Adams discloses a data multiplexing device (multiplexer 208, fig.4) comprising a plurality of buffer memories which store a plurality of packet data strings constituting data elements (application buffer 402 storing application data streams and video buffers 400 storing video streams, see fig.4, col.4, lines 35-40); a switching means / switch control means (a selector 404, fig.4) for switching the buffer memories (selecting one of the buffer memories 400 for outputing to output buffer 406, col.4, lines 40-45). Adams discloses a switch means (selector 404) selects, according to an input rate for the packet data strings, the

plurality of buffer memories (fig. 4; selector 404 selects video buffer 400 for video transmission because the video buffer 400 contains video streams having higher priority than application data, since the rate of application data depends on upon the rates of encoded video stream; see col. 4, lines 52-65 and abstract). Adams does not disclose a multiplexing means that time division multiplexes the plurality of packet data strings to provide an output by sequentially time division switching the buffer memories; wherein the input rate is used as an index in reference to an amount of encoded bits generated by an encoding controller.

Rao discloses a multiplexer 300 (see fig. 3) distributes encoded data streams 301-1 to 301-L on channel 330 over intervals of time; see col. 6, lines 5-10 (a multiplexing means that time division multiplexes the plurality of packet data strings to provide an output by sequentially time division switching the buffer memories). Controller 310 (encoder controller) references to entries of encoded data transmitted per second (reference to an index comprising input rates of encoded data). The controller 310 goes through the entries of encoded data to analyse, adjust the rates for data transmission from encoders 302-1 to 302-L (encoded rate generated by an encoding controller) (input rate is a bit rate used as an index in reference to an amount of encoded bits generated by encoding controller). See col. 6, lines 15-47 and lines 60-67).

Therefore, it would have been obvious to one ordinary skilled in the art to reference an index of encoded bits generated by controller 310 into Adams in order to dynamically transmit different data encoded at variable rates. The motivation is to enhance quality of data transmission in a shared channel economically. Video data that requires fast motion will need high encoding bits rate while audio will only need slow encoding rate.

In claims 9, as described in parent claim 8, Adams discloses the switching means excluding a buffer memory for buffering lower priority information (application data in the application buffer 402 is lower priority than video streams, therefore, the video buffer 400 is selected first, see col.4, lines 52-65).

Claims 10, 11 are rejected under 35 USC 103(a) as being unpatentable over Adams (Pat. 6,044,396) in view of Rao (US Pat. 5,506,844) and further in view of Hamilton et al.(Pat. 5,579,055).

In claims 10 and 11, Adams does not disclose the switch control means determines to exclude the packet data containing EMM data, EPG data among said plurality of buffers. Hamilton discloses EPG database manager 44 (switch control means) stores received EPG data into EPG database 46 for later recall (exclude lower priority buffer memory, see col.9, line 65 to col.10, line 5). Therefore, it would have been obvious to one ordinary skilled in the art to modify the Adams 's system by applying the teaching of Hamilton in order to exclude lower priority buffer memories storing EPG and EMM data.

Response to Arguments

Applicant's arguments with respect to claims 8-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arazi et al. (US pat. 5966120).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 5712738300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

Primary Examiner



HANH NGUYEN
PRIMARY EXAMINER